

REGULATION 10 —ARKANSAS PHARMACY SUPPORT GROUP

10-00-0001—SUPPORT GROUP

(a) Definitions. As used in this regulation:

- (1) “Board” means the Arkansas State Board of Pharmacy;
- (2) “Board-approved interveners” means persons trained in intervention and designated by the Board to implement the intervention process when necessary;
- (3) “Committee” means a committee appointed by the Board to formulate and administer the impaired pharmacists program;
- (4) “Impaired pharmacist” means a pharmacist who is unable to practice pharmacy with reasonable skill, competency, or safety to the public because of substance abuse;
- (5) “Impaired pharmacist program” means a plan approved by the Board for intervention, treatment, and rehabilitation of an impaired pharmacist;
- (6) “Intervention” means a process whereby an alleged impaired pharmacist is confronted by the Board or Board-approved interveners who provide documentation that a problem exists and attempt to convince the pharmacist to seek evaluation and treatment;
- (7) “Rehabilitation” means the process whereby an impaired pharmacist advances in an impaired pharmacists program to an optimal level of competence to practice pharmacy without endangering the public; and
- (8) “Verification” means a process whereby alleged professional impairment is identified or established.

(b) Administration.

- (1) The Board may appoint a committee to organize and administer a program that shall fulfill two functions:
 - (A) the program shall serve as a diversion program to which the Board may refer licensees where appropriate in lieu of or in addition to other disciplinary action; and
 - (B) the program shall also be a source of treatment or referral for pharmacists who, on a strictly voluntary basis, desire to avail themselves of its services.
- (1) The Board may appoint a committee of five persons who are recovering pharmacists to serve three-year terms with the initial members appointed to staggered terms.
- (2) The Board will consider recommendations from the Arkansas Pharmacy Support Group in making these appointments and any person appointed to the Committee shall continue appointment based on continued involvement in the Pharmacy Support Group.

(c) Functions.

The functions of the committee shall include:

- (1) evaluation of pharmacists who request participation in the program;
- (2) review designation of treatment facilities and services to which pharmacists in the program may be referred;
- (3) receipt and review of information relating to the participation of pharmacists in the program;
- (4) assisting the pharmacists' professional association in publicizing the program; and
- (5) preparation of reports for the Board.

(d) Board referral

- (1) The Board shall inform each pharmacist referred to the program by Board action of the procedures followed in the program, of the rights and responsibilities of the pharmacist in the program and of the possible consequences of noncompliance with the program.

- (2) The Board shall be informed of the failure of a pharmacist to comply with any treatment provision of the program if the committee determines that the resumption of the practice of pharmacy would pose a threat to the health and safety of the public.
- (3) Participation in a program under this section shall not be a defense to any disciplinary action, which may be taken by the Board. Further, no provision of this section shall preclude the Board from commencing disciplinary action against a licensee who is terminated from a program pursuant to this section.
- (4) The Board shall be informed when pharmacists who enter the program resume professional practice.
- (e) Review activities
The Board shall review the activities of the committee. As part of this evaluation, the Board may review files of all participants in the impairment program. The Board shall also resolve complaints voiced regarding the impaired pharmacists program.
- (f) Civil liability
 - (1) All persons acting on behalf of the Board in the impaired pharmacists program under this section shall be considered to be acting on behalf of the Board and considered officers or employees of the state.
 - (2) All patient records shall be confidential and shall not be subject to public inspection except pursuant to an order of a court of competent jurisdiction. However, the records may be introduced as evidence in any relevant proceedings before the Board and shall be produced upon Board request.
- (g) Funding
The Board is authorized to provide up to \$5,000 per year to the committee for expenses incurred in management and operation of the program. Documentation of the use of these funds shall be provided to the Board of Pharmacy for review and comment. Expenses considered for reimbursement by the Board shall be in the areas of travel as determined by the Board, phone or other necessary communication expenses, secretarial help, postage, food when traveling out of town of residence and acting on behalf of the Pharmacy Support Group other than meetings not to exceed \$13 per day, unless specifically approved by the Board, limited meeting room costs and other expenses deemed appropriate by the "committee". Meal expense may be paid without overnight stay.

It is recognized that the Board will also consider special and specific requests for expenses to cover costs related to education or ability enhancement of committee or intervener members to improve the group or better serve the group. (6/20/91)